

Notice of Allowability

Application No.

09/535,676

Applicant(s)

SCHWARTZ ET AL.

Examiner

Derrick W. Ferris

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview on 4/11/2006.
2. ☒ The allowed claim(s) is/are 10-15 renumbered as 1-6.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


4/16/06
DERRICK FERRIS
PATENT EXAMINER

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Smith-Hill on 4/11/2006.

The application has been amended as follows:

In the Written Description:

See the attached sheet titled DESCRIPTION AMENDMENTS.

In the Claims:

See the attached sheet titled CLAIM AMENDMENTS.

Response to Amendment

2. The amendment filed 2/23/2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "At time δ before DTS_1 , frame 1 before loading into the buffer *and continues loading until time $\delta + Q1 / Rn$ before DTS_l* " (where Rn is defined as "constant bit *rate*" which is the rate at which packets with the video elementary stream n *enter* the smoothing buffer, see applicant's specification at page 5, lines 9-11). In particular, applicant's originally filed specification teaches "At a time δ before the DTS for frame 1, frame 1 is loaded into the buffer" and "Since frame 1 has fewer bits than the capacity of

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one slot, there is a gap before frame 2 is loaded into the buffer” which is not consistent with the above proposed amendment give the amendment “and *continues loading* until time $\delta + Q_1 / R_n$ before DTS₁”. The following reasoning above also applies to the other frames.

Since there appears to be confusion of which amendments to the written description have been entered (all the amendments to the claims have been entered). The examiner has provided a brief summary blow on the status of the amendments filed.

Amendment filed 2/2/2004 - entered.

Amendment filed 3/3/2005 – not entered.

Amendment filed 9/15/2005 – not entered.

Amendment filed 10/11/2005 – not entered.

Amendment filed 11/16/2005 – not entered.

Amendment filed 2/23/2006 – not entered.

Amendment per Interview 4/11/2006 – entered.

If there are any questions concerning amendments being entered please contact the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123.

The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

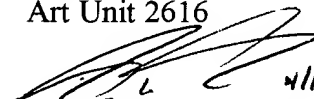
If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Wellington Chin can be reached on (571)272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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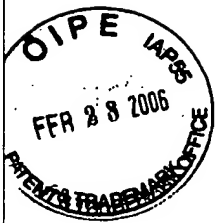
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DWF

Derrick W. Ferris
Examiner
Art Unit 2616



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DERRICK FERRIS
PATENT EXAMINER



New Sheet

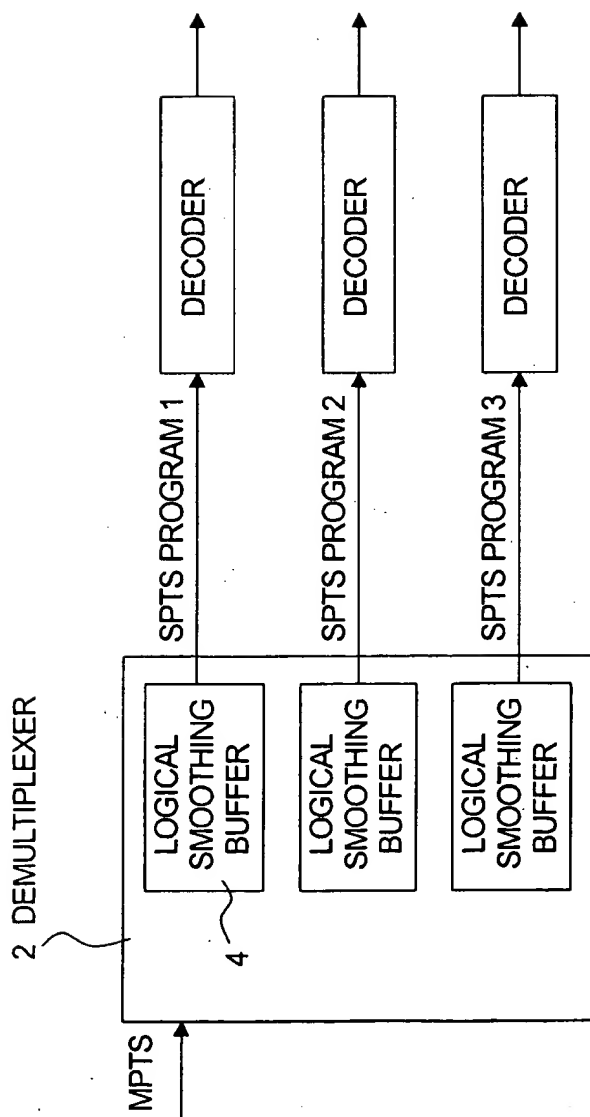


FIG. 4

"Approved"
"okay to enter"
4/1/06
AW